



TULANE LAW SCHOOL

TULANE ENVIRONMENTAL LAW CLINIC

March 14, 2023

VIA FOIA ONLINE

U.S. Environmental Protection Agency

Re: Freedom of Information Act Fee Waiver Request

Dear FOIA Officer:

On behalf of Patricia Charles, Carolyn Peters, Raphael Sias, Ronald Carrier, Larry Allison, Karl Prater, McKeever Edwards, Stafford Frank, and Peggy Anthony (collectively, “Requesters”), and in connection with the accompanying Freedom of Information Act request, we request a fee waiver as detailed by 40 CFR § 2.107(I). This request is in the public interest. It is likely to contribute significantly to public understanding of the operations or activities of the government, namely, EPA, and is not primarily in the commercial interest of the requesters. As outlined below, this request meets each of the six factors that EPA considers for fee waivers.

First, the subject of the request concerns “the operations or activities of the government.” 40 CFR § 2.107(I)(2)(i). The requested information concerns materials submitted for compliance regarding an Information Collection Request by the EPA, a governmental agency, under Section 114 of the Clean Air Act involving Sasol Chemicals (USA) – Lake Charles Chemical Complex.

Second, the disclosure of the requested information is “likely to contribute” to the understanding of government operations or activities. 40 CFR § 2.107(I)(2)(ii). The information requested will shed light what information and how the EPA, a governmental agency, uses information to ensure facility compliance with emissions and safety requirements. The requested information will reveal what information is necessary for the EPA in ensuring compliant standards for a regulated facility, in this case the Lake Charles Chemical Complex.

Third, the disclosure will contribute to the understanding “of a reasonably broad audience of persons interested in the subject.” 40 CFR § 2.107(I)(2)(iii). The information requested relates to the EPA’s Inspection Collection Request under the Clean Air Section 114 which relates to compliance standards and emissions requirements of carcinogenic pollutants that will have long-term effects on the residents of Mossville and the surrounding Lake Charles area. While Requesters are only a few members of the broader public with an interest in this information, other residents of Mossville and the surrounding area, and likely many who reside near a facility that emits carcinogenic pollutants such as ethylene oxide, would be interested to learn the requested information. Indeed, EPA Region 6’s community meeting conducted on

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August 5, 2021 to discuss ethylene oxide emissions from Sasol's Lake Charles Chemical Complex specifically reflect EPA's understanding that a reasonably broad audience is interested in information like that requested here. Indeed, the ICR letter that is the subject of this request describes itself as part of an "established public process for collecting foundational information as part of our NESHAP and NSPS reviews required under sections 112(d)(6) and 111(b)(1)(B) of the CAA." Disclosure of this information would significantly contribute to the ability of the public, including Requestors, other residents of Mossville and the surrounding area, and many who reside near the Lake Charles Chemical Complex to involve themselves in this review process.

Fourth, the disclosure will contribute "significantly" to public understanding of government operations or activities. 40 CFR § 2.107(I)(2)(iv). The public's understanding of the EPA's monitoring requirements of Sasol's Lake Charles Chemical Complex and its compliance with emissions requirements will be significantly enhanced by disclosure of the requested information because it indicates the information the EPA deems important. Disclosure of the requested information would provide significantly more insight into EPA's oversight process than the information currently accessible by the requesters.

Fifth, the Mossville Residents have no commercial interest in the requested information. 40 CFR § 2.107(I)(3)(i). The Mossville Residents merely seek to gather information that affects their health and environment.

Sixth, as the Mossville Residents have no commercial interest in the requested information, and as the public interest standard has been satisfied, the "public interest is greater in magnitude than that of any identified commercial interest in disclosure." 40 CFR § 2.107(I)(3)(ii).

For the foregoing reasons, we respectfully request a fee waiver for the accompanying Freedom of Information Act request. Thank you.

FOIA Fee Waiver Request

December 15, 2022

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